

Thursday, July 09, 2015

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of 9:00 AM, together with the maps and staff reports attached thereto and incorporated therein by reference.

Hearings are advertised for 9:00 a.m. Hearings generally proceed in the order listed, unless changed by the Planning Commission at the meeting.

ROLL CALL:

PRESENT: Jim Irving; Kenneth Topping; Eric Meyer; and James Harrison

ABSENT: Don Campbell

PUBLIC COMMENT PERIOD

1. Members of the public wishing to address the Commission on matters other than scheduled items may do so at this time, when recognized by the Chairman. Presentations are limited to three minutes per individual.
Eric Greening: speaks.

PLANNING STAFF UPDATES

2. This is the time set for Planning Staff updates.

Ellen Carrol: provides Commissioners with their near term schedules.

Xzandrea Fowler, staff: in regards to the County of San Luis Obispo amendments to the Ag. Element and Conservation and Open Space Element and amendments to Title 8, 19 and 22 to implement the Water Neutral New Development and Water Waste Prevention components - provides an update to the hearings time line process for recommendation from the Planning Commission and authorization at the Board of Supervisors.

Jim Irving: expresses interest in having a draft map of an expanded basin area of North county in terms of deliberations.

Xzandrea Fowler, staff: addresses map question and adds the map being used will be the Fugro Boundary map, and provides reasoning.

John Diodoti, Public Works: discusses water districts and the Dept. of Water Resources (DWR) in terms of Bullet 118 which is the state boundary and further discusses the Fugro boundary. States DWR is currently going through the process of revising basin boundaries for a new Bullet 118. Further discusses boundary revisions.

Ken Topping: emphasizes he wants the language the Commission has crafted forwarded to Board of Supervisors (BOS).

CONSENT AGENDA:

3. April 30, 2015 draft Planning Commission minutes
4. May 14, 2015 draft Planning Commission minutes

Thereafter on **Motion by:** Jim Irving, **Seconded by:** Eric Meyer, and on the following vote, the Commission approves Consent Items 3 and 4.

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				
Meyer, Eric	x			
Topping, Ken	x			

HEARINGS: (Advertised for 9:00 a.m.)

5. Hearing to consider a request by JANNECK, LIMITED for a Tentative Tract Map and Conditional Use Permit to allow an agricultural cluster subdivision of twenty-one parcels (totaling 1,910 acres) into one hundred and two (102) residential lots and four (4) open space lots. The proposed project includes 102 1-acre residential lots, a homeowner's association facility, recreation center, and community center (ranch headquarters), 25 acres of internal access roads, and a wastewater treatment plant. A proposed 7.7-acre dude ranch is not included in the Conditional Use Permit, but is included in the FEIR as a future development proposal. Also being considered is certification of the Final Environmental Impact Report and CEQA overriding considerations for significant and unavoidable impacts. The proposed project is within the Agricultural and Rural Lands land use categories and is located approximately two miles south of the City of Arroyo Grande and two miles north of the community of Nipomo, on both the eastern and western sides of Highway 101.

County File Number: SUB2003-00001/DRC2003-00001

Assessor Parcel Number: 047-051-005; 048-121-006; 047-311-001, -007, -010, -011; 047-301-002, -003; 075-341-007

Supervisory District: 4

Date Accepted: February 5, 2004

Project Manager: Brian Pedrotti

Recommendation: Continue item to August 13, 2015

Brian Pedrotti, Project Manager: provides reasoning for continuance request.

El-Jay Hansson, Hans Hansson and Eric Greening: speak.

Thereafter on **Motion by:** James Harrison, **Seconded by:** Jim Irving, and on the following vote, the Commission continues this item to August 13, 2015.

COMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				

Meyer, Eric	x			
Topping, Ken	x			

6. Hearing to consider a request by ETHNOBOTANICA for a Minor Use Permit to establish a medical marijuana dispensary and construct related tenant improvements in an existing 2,636 square-foot commercial/office suite, which is part of an existing 11,675 square-foot building. The 2.72-acre parcel is in the Commercial Service land use category and is located at 2122 Hutton Road, approximately 450 feet north of the Highway 101/Highway 166 off-ramp, approximately 3 miles south of the community of Nipomo. The site is in the South County planning area. This project is exempt under CEQA.

County File Number: DRC2014-00070

Assessor Parcel Number: 090-301-064

Supervisory District: 4

Date Accepted: March 7, 2015

Project Manager: Airlin M. Singewald

Recommendation: Approval

Commissioners: disclose ex-parte contacts.

Airlin Singewald, Project Manager: presents staff report via a Power Point presentation.

Stephanie Keil, applicant: presents project proposal via a Power Point presentation.

Mike Garabie, Omar Security: explains security measures anticipated on premises.

Commissioners: ask questions of Mr. Garabie regarding camera feeds, locations, security guard placement, security guard actions in times of distress, law enforcement arrival. Ken Topping: asks Ms. Keil to further explain member credentials requirements in order to obtain medicine.

Jim Irving: asks about delivery services with Ms. Keil responding. Asks if patients are allowed to be employees with Ms. Keil responding. Asks about the presentation package provided in terms of who it was made by with Ms. Keil stating it was developed by herself. Asks questions regarding doctors whom prescribe this medication in terms of monitoring these type licenses and any unauthorized activities of such. Pg. 6-81 Budget, confirms gross income sales at five million dollars.

Jim Harrison: Pg. 6-51, discusses sales tax with Ms. Keil.

Stephanie Keil, applicant: discusses proposition of an additional 5% sales tax for the county to be given to law enforcement. Further discusses profit and budget.

Eric Meyer: asks how many employees are anticipated being hired with Ms. Keil stating approximately 12 employees at 40 hours per week with health care included.

Jim Harrison: discusses traffic concern with Ms. Keil.

Airlin Singewald, Project Manager: further discusses traffic study.

Ken Topping: how are the members of the collective identification guaranteed with Ms. Keil responding.

Jim Harrison: asks why the applicant must pay road impact fees when there is no traffic impact. Glen Marshall, Public Works: states the road improvement fees are based on cumulative development and impacts and future improvements.

Ken Topping: opens Public Comment

El Jay Hansson, Ernest Hall, William Lampkin, Trevyn Lamison, Richard Besco, Arlyn Bunton, Geoff Roberts, Donte Porter, Alex Nunez, Angelo Cataneo, and Jessica Joycellen: speak.

Airlin Singewald, Project Manager: addresses Public Comment concerns. Displays an aerial photograph to depict distances from neighboring residents.

Commissioners: discuss aerial photo on screen.

Commissioners: discuss traffic and traffic study with Public Works.

Airlin Singewald and Commissioners: discuss aerial photo from the Photo mapper program with a broader focus of surrounding area.

Commissioners: discuss Santa Maria race track operations and hours of operations in terms of traffic. Begin discussing security with Mr. Garabie (Security consultant).

Eric Meyer: discusses hours of operation and asks the opinion of the applicant if closing hours at 4 pm is sufficient with Ms. Keil responding.

Jim Harrison: asks if Ethnobotanica delivers outside of the county of SLO with Ms. Keil stating no.

Airlin Singewald, Project Manager: begins overview of the project conditions on the overhead screen.

Eric Meyer: would like to know how the traffic mitigation fees are assessed with Mr. Marshall responding.

Commissioners and Ms. Keil: discuss dispensary hours of operation in terms of reasoning for a seven day a week operation.

Airlin Singewald, Project Manager: defers to Co. Counsel for hours of operation as per under a MUP. Whitney McDonald, County Counsel: states there can be a condition which modifies an ordinance requirement through for this Minor Use permit, otherwise modifications of an ordinance are typically made only through a Conditional Use Permit (CUP). Once an applicant is granted a use permit it becomes vested and runs with the land and no sunset clause can be used.

Jim Harrison: SCAC vote for denial, security problems and reads into record crimes which have occurred with dispensaries.

Airlin Singewald, Project Manager: overviews draft condition language for 3, new 14. Overviews Condition 14. Commissioners: discuss Condition 14 in terms of hours of operation.

Thereafter on **Motion by Jim Irving, Seconded by James Harrison**, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				
Meyer, Eric	x			
Topping, Ken	x			

Jim Irving: continues to be in support of limiting the hours to weekday hours from 10 am to 5 pm. and keep weekend hours from 11-6. However will support the application without that.

Eric Meyer: supports hours of operation as it is currently written.

Ken Topping: feels the location is reasonable and provides reasoning and is inclined to support Comm. Irving's suggestion on hours of operation.

Thereafter on **Motion by Jim Irving, Seconded by Eric Meyer**, and on the following vote:

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James		x		
Irving, Jim	x			
Campbell, Don				
Meyer, Eric	x			
Topping, Ken	x			

The Commission approve Minor Use Permit DRC2014-00070 based on the findings listed in Exhibit A and the conditions listed in Exhibit B, Changing Condition 3 to add “....security plan”; changing Condition 12 to add the sentence “This shall include contact information for the local manager”; and new Conditions 14 and 15 to read: 14 The project shall be reviewed by the Planning Commission in a noticed public hearing, two years after operation of the use commences. The purpose of this review is to determine compliance with these conditions. The Planning Commission will have the option of suggesting modification of these conditions of approval at that time. 15. On-going condition of approval (valid of the life of the project). For the life of the project, the applicant shall implement the approved security plan, including but not limited to , an on-site security guard, high-definition camera plan with live streaming to the security company, outdoor lighting, security alarm system with motion detectors, secure product storage area and all other criteria specified in Land Use Ordinance Section 22.30.225(C)(4).; and re-number conditions appropriately. Adopted.

Thereafter on **Motion by: Jim Irving, Seconded by Eric Meyer** and on the following vote, the

Commission accepts all correspondence and testimony entered into the record.

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				
Meyer, Eric	x			
Topping, Ken	x			

Thereafter on **Motion by Jim Harrison, Seconded by Eric Meyer**, and on the following vote, the Commission adjourns to the next regularly scheduled meeting on July 23, 2015.

COMMISSIONERS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Harrison, James	x			
Irving, Jim	x			
Campbell, Don				
Meyer, Eric	x			
Topping, Ken	x			

Respectfully submitted,
 Ramona Hedges, Secretary
 San Luis Obispo County Planning Commission

Minutes approved at the 09/10/15 Planning Commission meeting.